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8 UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA
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11 CHARLES D. RIEL,

12 Petitioner,

13 v.

14 WARDEN, San Quentin State Prison,

15 Respondent.
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No. 2:01-cv-0507 MCE KJN (TEMP)

DEATH PENALTY CASE

ORDER

17 Petitioner, a state prisoner under sentence of death, has filed this application for a writ of
18 habeas corpus pursuant to 28 U.S.C. § 2254. The matter was referred to a United States
19 Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

20 On October 30, 2015, the magistrate judge filed findings and recommendations herein
21 which were served on all parties and which contained notice to all parties that any objections to
22 the findings and recommendations were to be filed within sixty days. Both parties have filed
23 objections to the findings and recommendations.

24 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule 304, this
25 Court has conducted a de novo review of this case. Having carefully reviewed the entire file, the
26 Court finds the findings and recommendations to be supported by the record and by proper
27 analysis.

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Accordingly, IT IS HEREBY ORDERED that:

1. The findings and recommendations filed October 30, 2015 (ECF No. 550) are
ADOPTED in full, and

a. Petitioner has satisfied 28 U.S.C. § 2254(d) for his claims 2 and 5 with respect
to the special circumstance and penalty phase determinations;

b. Petitioner has failed to satisfy § 2254(d) for his claims 2 and 5 with respect to
the guilt phase determination;

c. Petitioner has failed to satisfy § 2254(d) for his claims 6, 9, and 36;


d. Petitioner's Motion to Expand the Record or for an Evidentiary Hearing on his
Claim 36 (ECF No. 470) is DENIED.

e. Federal habeas relief is denied as to petitioner's claims 6, 9, and 36.

2. The court declines to issue a certificate of appealability on claims 6, 9, and 36.

IT IS SO ORDERED.

Dated: March 17, 2018


MORRISON C. ENGLAND, JR.
UNITED STATES DISTRICT JUDGE